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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROGER RANDOLPH,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

Case No. 2:18-cv-00449-RFB-VCF

**MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO SECOND AMENDED
PETITION (ECF NO. 24)**
(FIRST REQUEST)

Respondents move this Court for an enlargement of time of sixty (60) days from the current due date of July 12, 2021, up to and including September 10, 2021, in which to file their response to the Second Amended Petition (ECF No. 24). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents to respond to the Second Amended Petition, and the request is brought in good faith and not for the purpose of delay.

DATED: July 12, 2021.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Erica Berrett
Erica Berrett (Bar. No. 13826)
Deputy Attorney General

DECLARATION OF ERICA BERRETT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, ERICA BERRETT, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I am responsible to represent Respondents in *Roger Randolph v. Renee Baker, et al.*, Case No. 2:18-cv-00449-RFB-VCF, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The response to the Second Amended Petition (ECF No. 24) is currently due July 12, 2021. I have been unable with due diligence to timely complete the Answer.

4. I became involved in this case in April 2021, entering my appearance on April 2, 2021. ECF No. 31. For three weeks during the month of April, I was on medical leave and unable to work. Additionally, from April to May 2021, I had two close family members pass away, further taking away time from work. Since then, I have been diligently trying to catch up on missed time, including working many nights, weekends, and holidays, but my focus has been required for an answer to a capital habeas petition in *Hernandez v. Gittere, et al.*, Case No. 3:09-cv-00545-LRH-WGC and for an answering brief in the Ninth Circuit appeal of habeas matter *Sempier v. Baker, et al.*, Case Nos. 20-17249; 3:18-cv-00465-RCJ-WGC, as well as for two time-sensitive state extradition matters. Thus, I have been unable to fully review the over 2,000-page state court record in this case and draft my response, so I need additional time.

5. I have contacted Petitioner's counsel regarding this request, and she does not oppose.

6. Based on the foregoing, I respectfully request an enlargement of time of sixty (60) days, up to and including September 10, 2021, to respond to the Second Amended Petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 12, 2021.

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

/s/ Erica Berrett
Erica Berrett (Bar No. 13826)
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Motion for Enlargement of Time to Respond to Second Amended Petition (First Request)* with the Clerk of the Court by using the CM/ECF system on July 12, 2021.

The following participants in this case are registered electronic filing system users and will be served electronically:

Kimberly Sandberg
Assistant Federal Public Defender
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101

/s/ M. Landreth
An employee of the Office of the Attorney General